

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1875 - SB 1951

March 15, 2011

SUMMARY OF BILL: Authorizes a custodian of public records to charge a fee for actual labor costs for producing requested material for inspection where the time reasonably required to produce the records totals one hour or more. Defines "labor cost" as the base hourly wages of any employee whose labor is reasonably necessary to produce records pursuant to a request.

ESTIMATED FISCAL IMPACT:

Increase State Revenue – \$75,000

Increase Local Revenue – \$1,642,500/Permissive

Assumptions:

- Based on information provided by the Comptroller, the total number of public records requests filed with state and local governments is unknown. The total number of requests to state governments exceeds 500.
- The total number of requests made to local governments is unknown but estimated to be approximately 25 per jurisdiction or 10,950 [(343 cities x 25) + (95 counties x 25)] state-wide.
- According to the Davidson County Department of Law, approximately 75 percent of all requests require more than one hour to prepare.
- The amount of time necessary to prepare public records requests when greater than one hour is unknown but is estimated to be one-half of one day or four hours.
- The hourly labor charged to prepare requests is unknown and is subject to change depending on the person responsible for preparing such data. Labor charges could range between \$15 per hour and \$250 per hour.
- Based on information provided by the Comptroller, the average hourly rate charged to prepare public records for inspection is estimated to be \$50 resulting in an increase to state revenue of \$75,000 [(500 x \$50 x 4 hours) x 75%] and an increase to local revenue of \$1,642,500 [(10,950 x \$50 x 4 hours) x 75%].

HB 1875 - SB 1951

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/agl